

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:06CR133
Plaintiff,)	
)	
vs.)	ORDER
)	
HARVEY LEE FREEMONT, JR. and)	
JOHN DAVIDSON,)	
)	
Defendants.)	

This matter is before the court on the motion to continue by defendant John Davidson (Davidson) (Filing No. 37). Davidson seeks a continuance of the trial of this matter which is scheduled for August 14, 2006. Upon consideration, the motion will be granted, and trial will be continued as to both defendants.

IT IS ORDERED:

1. Davidson's motion to continue trial (Filing No. 37) is granted.
2. Trial of this matter for both defendants is re-scheduled for **September 11, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 21, 2006 and September 11, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 21st day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge